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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/786,077	02/28/2001	Sandro Campestrini	CM 1903/MH	8480	
27752	2590 05/09/2002				
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161			EXAM	EXAMINER	
			DELCOTTO, GREGORY R		
6110 CENTER HILL AVENUE CINCINNATI, OH 45224			ART UNIT	PAPER NUMBER	
		•	1751	6	
			DATE MAILED: 05/09/2002	!	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Office Action Summary Application No. Ogn86,077 Examiner Examiner Examiner Ant Unit Gregory R. Del Cotto 1751 AS HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH (S) FROM THE MALING DATE of THIS COMMUNICATION. - Extractions of time may be available under the previsions of 3 CPR 1.136(3). In a overall, however, may a reply be timely fixed entered time may be available under the previsions of 3 CPR 1.136(3). In a overall, however, may a reply be timely fixed entered time the communication problems of the communication of this (700) days will be combined termoly. - If No periods or reply is specified above, the maximum shallory parties will expire state (18 MONTH (S) of the wall be combined termoly. - If No periods or reply is specified above, the maximum shallory parties will expire state (18 MONTH (S) of the maximum days of the communication. - If No periods or reply is specified above, the maximum shallory parties will expire state (18 MONTH (S) of the maximum days of the days of the maximum days of the days of the maximum days of the days of			AS-6				
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Gregory R. Del Cotto		09/786,077	CAMPESTRINI ET AL.				
- The MALLNO DATE of this communication app ars on the cover she it with the correspondence address - Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Estamation of time may be available under the provision of 3° CPR 1.75(b). In no evert, however, may a reply to timely filled Estamation of time may be available under the provision of 3° CPR 1.75(b). In no evert, however, may a reply to timely filled Estamation of unity is applied above is less than this; (30 days, at lay of 100 period (and so with 100 period (and so	Office Action Summary	Examiner	Art Unit				
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Infor					

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withdrawn.

DETAILED ACTION

1. Claims 1-11 are pending. Applicant's amendments and arguments filed 2/13/02 have been entered.

Objections/Rejections Withdrawn

2. The following objections/rejections as set forth in Paper #4 have been withdrawn:

The objection to the specification as failing to contain an Abstract has been

The rejection of claims 1-9 under 35 USC 112, second paragraph, has been withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiserman et al (US 5,338,474) or WO 98/03621 for the reasons of record set forth in Paper #4.

Response to Arguments

With respect to Kaiserman et al or WO 98/03621, Applicant states that there appears to be no specific teaching or suggestion in either Kaiserman or '621 of a method of using a specific diacyl peroxide, wherein R1 is an aliphatic group having from 1 to 30 carbon atoms and that the selections and substitutions suggested by the Examiner consitute no more than hindsight reconstruction. Additionally, Applicant states that there is no suggestion that such compositions should be prepared with the

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expectation that they would be useful in stain removal and improved fabric color safety as recited by the instant claims. In response, note that, Kaiserman et al teaches that the diacyl peroxide may have R groups which are alkyl groups having 1 to 20 carbon atoms, an aryl group, etc. See column 2, lines 50-60. '621 teaches that the diacyl peroxide may have R groups having alkyl groups having 1 to 10 carbon atoms and one which has an aromatic nucleus. See page 3, line 30 to page 4, line 15. Clearly, each reference teaches and suggests the same diacyl peroxide compound as recited by the instant claims and one skilled in the art would be motivated, from the teachings of these references, to use the same diacyl peroxide compound as recited by the instant claims. Further in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Additionally, the Examiner maintains that the bleaching compositions as taught and suggested by Kaiserman et al or '621 would have the same stain removal and fabric color safety properties as recited by the instant claims because Kaiserman et al or '621 teach methods of bleaching fabrics using compositions containing the same components in the same proportions as recited by the instant claims. Note that, the

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reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by Applicant. In re Linter, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (703) 308-2519. The examiner can normally be reached on Mon. thru Fri from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

GRD May 6, 2002 GREGORY DELCOTTO
PRIMARY EXAMINER